THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 31st day of July,2007

W.P.No.16548 of 2004

Between:-

R. Naga Mallaih … Petitioner

and

The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Ananthapur, Ananthapur District and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.16548 of 2004

ORAL ORDER:

This Writ Petition is filed being aggrieved by an Award dated 12.1.2004 made in I.D.No.267 of 2001 on the file of Industrial Tribunal-cum-Labour Court, Ananthapur insofar as denying continuity of service, attendant benefits and back wages to the petitioner while granting the relief of fresh appointment.

Petitioner is a driver in the respondent-A.P. State Road Transport Corporation. On 10-10-1999, he was engaged on the route Cuddapah to Bangalore, via Vempalli, Lakkireddipalli and Rayachoti. On 11-10-1999, a charge sheet was issued to him enumerating three charges. The sum and substance of the charges is that he had violated the instructions of the superiors and diverted the bus to a different route and it stuck up in sand because of which, much inconvenience was caused to the travelling public as well as to the personnel of APSRTC. After conducting a detailed enquiry into the matter, petitioner was removed from service. Ultimately, the petitioner raised a dispute under Section 2-A(2) of the Industrial Disputes Act,1947 (for short 'the Act') before the Industrial Tribunal-cum-Labour Court, Ananthapur. The Tribunal gave a finding that the enquiry conducted by the Management was valid and further the charges are proved, but held that the punishment of removal from service appears to be grossly disproportionate to that of the misconduct alleged against the petitioner and thus directed reinstatement of the petitioner afresh denying continuity of service, attendant benefits and back wages.

There is no necessity of going into all the details. As noticed

above, the charge is only insubordination and taking the bus from a route, which is not approved and thus caused some inconvenience to the travelling public. Under such circumstances, while finding that the punishment of removal from service is disproportionate to that of the misconduct alleged, I am of the opinion that the Tribunal could not have denied, at least, the continuity of service. Therefore, the impugned Award of the Tribunal is liable to be modified and modified to the following extent:

> "Petitioner is entitled for reinstatement with continuity of service, but without any attendant benefits and without back wages."

With the above modification of the impugned Award, the Writ Petition is disposed of. No costs.

31-7-2007

prk